INDEX.

CASES CITED.

STATUTES CITED.

For the convenience of the court a pamphlet containing the naturalization laws, issued by United States Department of Labor, published by Government Printing Office June 15, 1924, has been appended to this brief as Exhibit "E", and an index of the pertinent statutes as they appear in this pamphlet immediately precedes the exhibit.

OTHER AUTHORITIES.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1924.

No. 231.

HIDEMITSU TOYOTA,
DEFENDANT, APPELLANT,
v.
UNITED STATES OF AMERICA,
PETITIONER, APPELLEE.

On a Certificate from the United States Circuit Court of Appeals for the First Circuit.

BRIEF FOR HIDEMITSU TOYOTA.

STATEMENT OF THE CASE.

On May 14, 1921, Hidemitsu Toyota, a person of the Japanese race born in Japan, and for over nine years a member of the United States Coast Guard Service, filed his petition for naturalization in the District Court of the United States for the District of Massachusetts, relying on the Act of May 9, 1918 (c. 69, 40 Stat. 543, Comp. Stat. 1918, Sec. 4352 (7)–(13), and Sec. 4352aa), and on the Act of July 19, 1919 (c. 24, Sec. 1, 41 Stat. 222, Comp. Stat. 1923, Supp. Sec. 4352aaa). The petition was granted by virtue of said acts, and on May 16, 1921, a certificate of naturalization, No. 1,591,923, was issued to him. (Ctf. 2.)

Subsequently the Government brought a petition under Section 15 of the Act of June 29, 1906, to cancel the certificate of naturalization issued to Toyota on the ground that he was a member of the Japanese race. It is conceded by the Government that if a person of the Japanese race born in Japan may be legally naturalized by virtue of either of the acts referred to above Toyota is legally naturalized. (Ctf. 2.)

In the District Court it was held that Toyota was not entitled to be naturalized and an order was entered canceling his certificate of citizenship, from which order an appeal was taken to the United States Circuit Court of Appeals for the First Circuit. (Ctf. 2.)

That court on November 10, 1923, addressed a certificate to this court, asking instruction upon the following questions:

(1) Whether a person of the Japanese race, born in Japan, may legally be naturalized under subdivision 7, Section 4 of the Act of June, 29, 1906, as amended by the Act of May 9, 1918.

(2) Whether such subject may legally be naturalized under the Act of July 19, 1919 (c. 24, Sec. 1, 41 Stat. 222; Comp. Stat. 1923, Supp. Sec. 4352aaa).

ARGUMENT.

I.

HISTORY OF THE NATURALIZATION LAWS.

Under the Constitutional grant of power "to establish a uniform rule of naturalization" (Const. Art. 1, Sec. 8) Congress has authority to provide for the naturalization of Asiatics in the same manner as other aliens.

The first Naturalization Act in 1790 provided that "any alien *being a free white person*, may be admitted to become a citizen . . . on the following conditions and not otherwise". (1 Stat. 103, c. 3). In 1870 this was extended to include aliens of African nativity and persons of African descent. (16 Stat. 256.)

In the Revised Statutes these provisions were grouped together in Title XXX, under the heading "Naturalization" and were restated so that Section 2165 prescribed the procedure in the ordinary case; Section 2166 afforded a less cumbrous procedure for the naturalization of aliens who had served as United States soldiers and had been honorably discharged; and Section 2169 provided a racial limitation, restricting all the other provisions of the naturalization title to certain classes as follows:

> R. S. Sec. 2169. "The provisions of this title shall apply to aliens being free white persons; and to aliens of African nativity and to persons of African descent. (R. S. 1876, p. 380; 1 Comp. Stat. 1901, p. 1333.)"

To use the language of Mr. Justice Sutherland in the recent case of *Ozawa* v. *United States*, 260 U.S. 178 at page 192:

> "In all of the Naturalization Acts from 1790 to 1906 the privilege of naturalization was confined to

white persons (with the addition in 1870 of those of African nativity and descent), although the exact wording of the various statutes was not always the same."

In order to put a check on the frauds and crimes prevalent in connection with naturalization (House Report No. 1789, 59th Cong., 1st Sess., p. 3), Congress passed the Act of June 29, 1906, entitled "An Act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States". This Act dealt primarily with the subject of procedure, and Section 2169 of the Revised Statutes was left unchanged and unmentioned.

Clearly the provisions of the Act of June 29, 1906, are limited by R. S. Section 2169, and a person of the Japanese race born in Japan is not eligible to naturalization under this Act as so limited.

Ozawa v. *United States*, 260 U. S. 178 (1922).

But there is no reason why Congress could not or should not, if it saw fit, admit a limited class of Asiatics, provided the act is uniform, without constituting an abandonment of its long continued policy.

II.

THE APPELLANT IS ENTITLED TO NATURALIZATION UNDER THE ACT OF JUNE 29, 1906, AS AMENDED BY ACT OF MAY 9, 1918.

A. Provisions of Statutes Applicable.

By the Act of May 9, 1918, certain sections of the Act of June 29, 1906, were amended and certain new sections were added. Section 4 of the Act of 1906, as amended by the Act of 1918, reads:

Sec. 4. "That an alien may be admitted to become

a citizen of the United States in the following manner and not otherwise: — "

The first six subdivisions under Section 4 are continued in the Act of 1918 in practically the same language as they appeared in the Act of 1906. The seventh subdivision (which is one of the sections under which the appellant contends he is entitled to naturalization) is new, some of the provisions having been taken from prior acts, with minor changes in the language, and some having been enacted for the first time. The material part of the seventh subdivision referred to reads as follows:

> "*Seventh. Any native-born Filipino* of the age of twenty-one years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment; *or any alien, or any Porto Rican not a citizen of the United States,* of the age of twenty-one years and upward, *who has enlisted* or entered or may hereafter enlist in or enter the armies of the United States, . . . or *in the United States Navy* or Marine Corps, *or* in the United States *Coast Guard,* or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States . . . *may, on presentation of the required declaration* of intention *petition for naturalization without proof of the required five years' residence* within the United States . . .; *any alien serving in* the military or *naval service* of the United States *during* the time this country is

What is specific?

> engaged in *the present war may file his petition* for naturalization *without* making the preliminary *declaration of intention* and *without proof* of the required *five years' residence* within the United States; any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, . . . and any alien, or any person owing permanent allegiance to the United States embraced within this sub-division, may file his petition for naturalization in the most convenient court without proof of residence . . . provided . . . he passes the preliminary examination. . . ."

(Italics herein and throughout remainder of brief are by counsel.)

Had Congress said nothing more, it is clear that this section, like the rest of Title XXX, would be restricted by R. S. Section 2169, and that Asiatics would not be eligible to naturalization. This same question, under similar provisions of the naturalization laws, has been decided on numerous occasions.

> *In re Kumagai*, 163 Fed. 922 (1908);
> *Bessho* v. *United States*, 178 Fed. 245 (1910);
> *Ozawa* v. *United States, supra.*

But Congress did not stop here, and we must examine Section 2 or the repealing clause of the Act of May 9, 1918. The second paragraph of this clause reads:

"That all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge section twenty-one hundred and sixty-nine of the Revised Statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined."

Does this provision except subdivision 7 of Section 4 of he Act of 1918, from the restrictions of R. S. Section 169? Clearly it does except certain persons specified in his subdivision 7. There is no question but that Section 169 of the Revised Statutes restricts the provisions of the Act of 1918 except as specified. The only question is, to what do the words "except as specified in the 7th subdivision of this Act" refer?

In re Saito, unreported, District of Hawaii (July 12, 1919).

3. The Act of May 9, 1918, Must be Construed According to the Natural Meaning of the Words.

It is a well settled rule of statutory construction that a statute will be read according to the natural import of the language. Where the language is unambiguous there is no room for construction on the part of the courts.

Caminetti v. *United States*, 242 U. S. 470 (1916).

Day, J., at page 485:

"It is elementary that the meaning of a statute must, in the first instance, be sought in the language in which the act is framed, and if that is plain, and if the law is within the constitutional authority of the law-making body which passed it, the sole function of the courts is to enforce it according to its terms.

Lake County v. *Rollins*, 130 U. S. 662, 670, 671; *Bate Refrigerating Co.* v. *Sulzberger*, 157 U. S. 1, 33; *United States* v. *Lexington Mill and Elevator Co.*, 232 U. S. 399, 409; *United States* v. *Bank*, 234 U. S. 245, 258. . . .

Statutory words are uniformly presumed, unless the contrary appears, to be used in their ordinary and usual sense, and with the meaning commonly attributed to them."

And see

U. S. v. *Standard Brewery*, 251 U. S. 210, 217 (1919).
Deganay v. *Lederer*, 250 U. S. 376, 381 (1918).

What is the obvious and natural meaning of the words in the statute before us? The repealing clause reads:

"But nothing in this Act shall repeal or in any way enlarge Section 2169 of the Revised Statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined."

The necessary inference is that in subdivision 7 we shall find some class or classes specified which but for the words "except as specified" would be restricted by R. S. Section 2169. Obviously this must refer to a class of persons who under prior laws were not subject to naturalization.

In construing an exception to the Constitution Marshall, C. J., said in the case of *Brown* v. *Maryland*, 12 Wheat. 419 at page 438:

"If it be a rule of interpretation to which all assent, that the exception of a particular thing from general words, proves that, in the opinion of the lawgiver, the thing excepted would be within the general clause had the exception not been made, we know no reason why this general rule should not be as applicable to the constitution as to other instruments."

Looking at subdivision 7, what persons are specified? Reading this section, we find that "*any Filipino*" who has declared his intention and who has served in certain forces for a period of years and who may be honorably discharged "*or any alien, or any Porto Rican* not a citizen of the United States", who has certain qualifications of service in the United States forces, or on certain United States vessels may petition for naturalization without proof of the required five years' residence. Then there are certain other provisions with reference to an alien filing his petition for naturalization without a declaration of intention, and the manner of filing, etc., but none of these have any bearing on the question except as they show that every provision of the 7th subdivision has in view the speedy naturalization of those engaged in any public service of the United States having relation to the conduct of the war. Is there any question but that the natural meaning of these words is that any Filipino and any alien and any Porto Rican, all having the qualifications set forth, are the persons "specified" in the 7th subdivision?

As it will later be shown that both Filipinos and Porto Ricans were already eligible to naturalization and needed nothing to save them from the limitation of R. S. Section 2169, the words "except as specified" must have had reference to "any aliens" as the class as to which R. S. Section 2169 was repealed or enlarged.

C. If the words of the Act of June 29, 1906, as Amended by the Act of May 9, 1918, are taken in their Natural Meaning, the Statute is Reasonable.

Citizenship in general is membership in a political society implying a duty of allegiance on the part of the member and a duty of protection on the part of the society. These are reciprocal obligations, the one being compensa-

tion for the other. In the United States a naturalized citizen stands on an equal footing with the native citizen in all respects save that of eligibility to the presidency.

Luria v. *United States*, 231 U.S. 1, 22 (1913).

Mr. Chief Justice White in giving the opinion of this court in the *Selective Draft Law Cases*, 245 U.S. 366 (1917), summarized the situation at page 378:

> "It may not be doubted that the very conception of a just Government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it. Vattel, Law of Nations, Book III, c. 1 and 2."

At the date of the passage of the Act of May 9, 1918, aliens had been drafted into our service as well as citizens and those who had not claimed exemption because of their alien status were being prepared for foreign service. The purpose of subdivision 7 of Section 4 of the Act of 1918 may best be discovered from the statement by Mr. Hayes in debate in the House of Representatives, 56 Congressional Record, page 6010:

> "Now the *principal purpose* of this subdivision 7 *is* to permit the *immediate naturalization*, as I recall, *of* something like *126,000 aliens who are now in the Army, of the United States*—many of them now in France and many more of them going—to naturalize them immediately, *so that when they get over there they will have the right of the protection of this country as citizens of the United States, so far as we can give it to them.* At present we cannot even say that they are citizens. *We should have the power to grant them protection. We have no right to attempt it under International Law. We desire to put these men* and the families of these men *who are serving and offering their lives*

on foreign soil for this country on the same basis as soldiers who are citizens of the United States by giving them the right to become immediately citizens by naturalization. That is the immediate purpose of subdivision 7, and I think it does this, and does it so far as we are able to do it, by throwing around the naturalization proceedings the necessary protection, so that the right shall not be abused.

Of the 126,000 who are not citizens, 76,000 have not even declared their intention to become citizens of the United States."

From this statement the purposes of the legislation appear fully as applicable to the few Japanese and Chinese serving in our forces at the time as to the other aliens.

In the language of Judge Vaughan in the unrecorded case *In re Saito, supra,* page 24:

> "Was it not as much our duty to extend the protection which citizenship only would afford to the Orientals in our service as it was to extend it to others? We had drafted them into our service and they had thought enough of us to be willing to serve, to risk their lives in our service. Was Congress unwilling to grant citizenship to those among them found to possess the qualifications required of others? I hope it is not improper to say that I do not believe Congress was so illiberal."

It is suggested that the construction contended for by the appellant amounts to a complete alteration on the part of Congress of its policy adhered to since the beginning of our Government to exclude Asiatics. It is submitted, however, that the Act of 1918 effected no such radical change. The Act was simply a declaration that a certain small group of Asiatics who had very commendable service

records should be entitled to naturalization and to the accompanying protection of our laws.

While an exhaustive search of the records of the Army and Navy Departments of the Government has been impossible, yet some figures relative to the number of Asiatics eligible to naturalization under this Act have been obtained. According to statistics in the War Department relating to the registration and classification of aliens under the Selective Service Law, of the total number of Chinese and Japanese aliens registered for the draft 1,313 Chinese and 983 Japanese were classified in Class I, which means that they were found liable to render military service. No figures are available as to how many men classified were actually inducted into the service or how many entered the military service as volunteers. (Exhibit A—Letter from the Adjutant General's office, War Department, August 13, 1924.) According to these figures, at the outside only 2,296 Japanese and Chinese could be naturalized under the Act of 1918 in addition to men already in the service. Records of the Navy Department show 317 Asiatics having served in the United States Navy during the war. (Exhibit B—Letter from Navy Department, September 4, 1924.)

Legislation making possible the naturalization of 2,500 loyal aliens with commendable records in the military service of the United States can hardly be considered as a complete overturn of the established policy of the United States.

It is contended by the Government that to effect such a complete alteration in the naturalization policy of this country very clear language must be used. It is submitted that the language used in this statute is clear. It was not necessary for Congress, having expressed itself that certain specified classes are no longer to be limited by R. S. Section 2169, to go still further and say in effect

this means that certain Asiatics heretofore barred from naturalization shall now be eligible.

A similar question came up under the patent laws of the United States in the case of *Bate Refrigerating Company* v. *Sulzberger*, 157 U. S. 1 (1894). There it was contended that to construe a statute as requested by the appellee was to upset the entire policy of the Government with respect to patents. Debates in Congress were referred to to show the intention of the legislature. Mr. Justice Harlan in giving the opinion of the court said in part, page 41:

> "And upon the face of the Act, as it finally passed, there are such alterations of the prior law as to impose upon this court the responsibility of determining the effect of such alterations. We cannot accept as controlling, much less conclusive, the opinion of the House Committee on the Revision of the Laws of the United States, as reported by Mr. Jenckes, that the bill it reported embodied only the existing law. Nor can we assume that the House of Representatives, much less the Senate, based their action upon the opinion of individual members of the House as to the scope and legal effect of the report of the revisers. . . .
>
> It is quite true, as the plaintiff contends, that Congress did not intend by the Act of 1870 to upturn the entire policy of the government in reference to patents; but, beyond all question, its final action shows that it made and intended to make important amendments of existing laws."

D. The Construction of the Act of May 9, 1918, Contended for by the Appellant is the Only Construction which will Give Effect to all the Words.

The Government argues that the *words* "any alien" in subdivision 7 of Section 4 are limited by R. S. Section 2169. This forced construction results from a misinterpretation of Section 2169 itself. When it is realized that Section 2169 is not a restriction on the *words* "any alien" but simply limits the provisions of the title it is difficult to see why the words should remain subject to the restrictions of the Section after the subdivision itself has been released.

By taking the words of subdivision 7 in their natural meaning, and seeing what persons are specified, the interpretation, if indeed interpretation is needed, becomes simple. The persons specified would seem to be *"any Filipino"*, *"any alien* or *any Porto Rican"* with the qualifications defined.

From the language of the Repealing clause that R. S. Section 2169 shall not be repealed or enlarged, *except as specified in subdivision 7*, it is clear that Congress intended to enlarge Section 2169 as to certain persons. R. S. Section 2169 is a strictly racial limitation. It does not set forth the qualifications necessary to obtain naturalization, but states the races to whom the privileges of naturalization are limited. Therefore, any enlargement of R. S. Section 2169 must extend the privileges of naturalization to some race or races not heretofore eligible. The exception must have reference to a racial-wise enlargement. That it is not intended to extend the privileges to all members of the race, released from the limitations of Section 2169, but only to those bearing the qualifications required by subdivision 7 is clear from the final words in the repealing Act, *"and under the limitation therein defined"*.

It being, therefore, clear that Congress intended by sub-

division 7 of this new statute to make an addition to the races which were previously eligible to naturalization, it remains to determine just what was the addition intended. The Government has argued that the addition was solely the inclusion of Filipinos and Porto Ricans. This cannot have been the fact because Filipinos and Porto Ricans could already be naturalized under Section 30 of the Act of June 29, 1906, and therefore as to them any addition would be unnecessary and superfluous. Section 30 of the Act of June 29, 1906, provides in substance that:

> " All the applicable provisions of the naturalization laws . . . shall apply to and be held to authorize the admission to citizenship of *all persons not citizens, who owe permanent allegiance to the United States* and who may become residents of any State or organized Territory of the United States."

This section has been held to permit naturalization of Filipinos and Porto Ricans in:

In re Bautista, 245 Fed. 765, N. D. Cal., Circ. J. Morrow (1917).

In re Giralde, 226 Fed. 826, D. Md., Rose, J. (1915).

In re Mallari, 239 Fed. 416, D. Mass., Morton, J. (1916).

In re Monico Lopez—Naval Digest 1916, p. 207 (Supreme Court of D. C. 1915).

Opinion of Atty. Gen. Bonaparte, 27 Op. Atty. Gen. 12.

Letter of Solicitor Gen. Davis to Secretary of Labor, January 4, 1916, reaffirming opinion of Atty. Gen. Bonaparte.

The contrary was held in:

In re Alverto, 198 Fed. 688 (1912);
In re Rallos, 241 Fed. 686 (1917);

which, however, were discredited by Circuit Judge Morrow in the later case of *In re Bautista* (*supra*); Morton, D. J., also disagreed with these cases in *In re Mallari* (*supra*), pointing out at page 418 that the decision in *In re Alverto* might be supported on other grounds.

It is also interesting to note that although Vaughan, J. (*In re Saito, supra*) originally followed *In re Alverto* (*supra*), he subsequently changed his views as a result of the opinion of Circuit Judge Morrow in the case of *In re Bautista* (*supra*).

Since prior to the Act of 1918 Filipinos and Port Ricans were not restricted by R. S. Section 2169 the permitting of certain Filipinos and Porto Ricans qualified by their military service to become naturalized without the usual formalities was in no way a repeal or an enlargement of R. S. Section 2169 and required no exception from the limitations of this section. All other aliens except Asiatics or the yellow race could of course be naturalized under R. S. Section 2169, so unless the words "except as specified" used in the repealing clause of the Act of May 9, 1918, refer to "any aliens" as specified in subdivision 7 and these words in turn include in their meaning "Asiatics", the entire exception becomes superfluous.

Congress is presumed to know that it was unnecessary to except Filipinos and Porto Ricans from the limitations of Section 2169.

> *Sewing Machine Companies*, 18 Wall 553, 584 (1873).
> *In re Saito, supra*, p. 20

In *United States* v. *Falk & Bro.*, 204 U. S. 143 (1906), at page 150, Mr. Justice McKenna said: "And the Attorney General's opinion cannot be overlooked." So the opinion of Attorney General Bonaparte (27 Op. Att'y Gen. 12) that Filipinos and Porto Ricans are not prevented from naturalization by R. S. Section 2169 must be ob-

served, and it is not logical to assume that Congress intended any such forced construction as to nullify part of the words of the statute. All the words of a statute will be given effect where possible.

Bend v. *Hoyt*, 13 Pet. 263, 272 (1839).
Washington Market Co. v. *Hoffman*, 101 U.S. 112, 117 (1879).
U. S. v. *Standard Brewery Co.*, 251 U.S. 210, 218 (1919).

E. The Words "Any Alien" as Used in the Naturalization Laws are Nowhere Defined and Retain their Natural Meaning.

The Government contends that on numerous occasions the words "any alien" have been judicially construed to mean only aliens within the limitations of R. S. Section 2169. Courts have frequently decided that the provisions of the naturalization laws in which the words "any alien" appear are restricted by R. S. Section 2169; but it is the provision as a whole and not the words themselves which are so limited. In most cases the result is the same whether it is said the provision or the words "any alien" appearing in the provision are limited and this has led to loose and inaccurate language on the part of the courts in dealing with this subject.

It was into this confusion that the court stumbled in the case *In re Para* (269 Fed. 643), and the decision contrary to the appellant's contention in the court below following *In re Para* may also be attributed to this error.

The words "any alien" when used in the naturalization laws are nowhere defined by Congress. Circuit Judge Morrow discussed who are aliens under the naturalization laws of the United in the case of *In re Bautista* (*supra*), page 771:

"Who are aliens under the naturalization laws of the United States has not been definitely defined by the Supreme Court of the United States. But in *Low Wah Suey* v. *Backus*, 25 U. S. 460, 473, 32 Sup. Ct. 734, 737 (56 L. Ed. 1165), the court, in construing the alien immigration act of February 20, 1907, (chapter 1134, 34 Stat. 898), adopted the definition given in 2 Kent, 50; 1 Bouvier's Law Dic. 129. 'An alien has been defined', says the court, "to be 'one born out of the jurisdiction of the United States, and who has not been naturalized under their Constitution and laws.'" This definition is also found in Webster's Dictionary; Century Dictionary; Black's Law Dictionary; 2 Cyc. 85; 2 Corpus Juris, 1043; 2 Am. & Eng. Ency. (2nd Ed.) 64; 1 Ruling Case Law, 794; (and cases cited).

The language of the limiting clause is clear. R. S. Section 2169: *"The provisions of this title shall apply to aliens being free white persons, etc."* This is quite different from saying that the words "any aliens" as used in this title shall mean any aliens being free white persons, etc.

That the Supreme Court of the United States regards R. S. Section 2169 as a limitation applying to the provisions of naturalization laws rather than a limitation of the meaning of the words "any alien" is clear from the following quotation: *Ozawa* v. *United States*, 260 U. S. at page 193:

"The provisions of Title XXX affected by the limitation of Sect. 2169, originally embraced the whole subject of naturalization of aliens. *The generality of the words* in Sec. 2165, *'An alien may* be admitted, . . . *"was restricted by Sec. 2169 in common with the other provisions of the title.* The words 'this Title' were used for the purpose of identifying that

provision (and others), *but it was the provision which was restricted.* That provision having been amended and carried into the Act of 1906, Sec. 2169 being left intact and unrepealed, it will require something more persuasive than a narrowly literal reading of the identifying words 'this Title' to justify the conclusion *that Congress intended the restriction to be no longer applicable to the provision."*

F. The Act of 1918 Repealed Part of the Act of June 30, 1914, and Part of the Act of June 25, 1910, Restating the Repealed Parts but Omitting in the Re-Enactment of the Act of 1914 Significant Words Used in the Former Act. Such Omission Implies an Alteration in the Purpose.

Section 2 of the Act of 1918 specifically repealed parts of the Act of June 30, 1914, and of the Act of June 25, 1910, quoting the parts repealed. The *part* of the *Act of 1914* repealed began as follows:

> " Any alien of the age of 21 years and upward *who may under existing law become a citizen* of the United States who has served . . . in the United States Navy . . . . or who has completed four years in the Revenue Cutter service . . . shall be admitted to become a citizen . . . without any previous declaration and without proof of residence on shore."

The Act of 1918 in sub-division 7 of Section 4 re-enacted the general purposes of the repealed portion of the Act of 1914 indicated above using the following words:

> " Any alien, or any Porto Rican not a citizen of the United States, of the age of 21 years and upward, who has enlisted . . . in the United States Navy . . . or in the United States Coast Guard . . . may on pres-

entation of the required declaration . . . petition for naturalization without proof of the required five years residence. . . ."

The *part* of the *Act of 1910* repealed began as follows:

"That paragraph 2 of Section 4 . . . be amended by adding . . .: Provided further: That *any person belonging to the class of persons authorized and qualified under existing law to become a citizen* of the United States . . . who, because of misinformation in regard to his citizenship . . . acted under the impression that he was . . . a citizen . . . may . . . receive . . . a final certificate of naturalization. . . ."

Subdivision 10 of Section 4 re-enacted the general purposes of the repealed portion of the Act of 1910 indicated above using the following words:

"Tenth. That *any person* not an alien enemy, *who* resided uninterruptedly within the United States during the period of five years next preceding July 1st, 1914, and *was on that date otherwise qualified to become a citizen* . . . except that he had not made the declaration . . . and who erroneously exercised the rights and performed the duties of a citizen . . . in good faith, may file the petition . . . without . . . declaration of intention . . . and . . . may be admitted as a citizen . . ."

The portion of the Act of June 30, 1914, indicated above, was appended to the Naval Appropriation Act of 1914, to facilitate the procedure for naturalizing aliens serving in the Navy. Its purpose was stated by Rose, D. J., in the case of *In re Giralde*, 226 Fed. 826 (1915) at page 827:

"One who re-enlists in the Navy or in its allied

service, is entitled to an increase of pay, provided he is a citizen. A non-citizen serving in the Navy, and who wishes to re-enlist, has a strong practical reason for desiring naturalization. An enlisted man, however, often found it hard to comply with the requirements of the general naturalization. He seldom could prove residence for a year in any particular state. Under that law 90 days must elapse between the application for naturalization and the hearing. In that interval he would often be sent to sea. Congress wished to make easy the naturalization of men who had faithfully served the flag. *Its purpose was to enable all those who were serving in the Navy, and who were not citizens, but were otherwise qualified to become such, to do so, and thereby obtain the increased pay reserved to citizens.*"

The portion of the Act of June 25, 1910, indicated above, was enacted for the benefit of aliens who through misinformation had failed to take the necessary action to become naturalized.

Whereas in its re-enactment of the Act of 1910 Congress has carefully continued the limitation to persons

> " otherwise qualified to become a citizen of the United States ",

in its re-enactment of the Act of 1914 Congress with equal care has omitted the limitation to aliens:

> " who may under existing law become a citizen ".

That an alteration of purpose was contemplated by this omission is further demonstrated by the fact that the omission occurs in the 7th subdivision of Section 4 of the Act of 1918, which is the very section referred to in the closing paragraph of the Act of 1918, saying:

> *" But nothing in this act shall repeal or in any way enlarge Section 2169 of the Revised Statutes except as specified in the 7th subdivision of this act and under the limitation therein defined."*

In the case of *Pennsylvania Railroad Company* v. *International Coal Company*, 230 U. S. 184 (1912), the court discussed the omission of a provision which existed in a previous statute—Lamar, J., page 198:

> " The fact that this provision . . . was omitted from the Act as finally reported to both Houses and passed, is not only significant, but so conclusive against the contention of the plaintiff that it quotes—not the report of the conference committee, but a statement made by a member of the Senate Conference Committee, to support the present argument that Sec. 8 means the same thing as the omitted clause. But while they may be looked at to explain doubtful expressions, not even formal reports—much less the language of a member of a Committee—can be resorted to for the purpose of construing a statute contrary to its plain terms, or to make identical that which is radically different. *United States* v. *Freight Association*, 166 U. S. 290, 318; *Maxwell* v. *Dow*, 176 U. S. 581, 601."

That an omission of words implies an omission of purpose is true even if the words are left out by mistake. *Hobbs* v. *McLean*, 117 U. S. 567 (1885). Woods, J., page 579:

> " We cannot insert the exception. When a provision is left out of a statute, either by design or mistake of the legislature, the courts have no power to supply it. To do so would be to legislate and not to construe. ' We are bound,' says Mr. Justice Buller, in *Jones* v. *Smart*, 1 T. R. 44, ' to take the act of Par-

liament as they have made it,' and Mr. Justice Story, in *Smith* v. *Rines*, 2 Summer, 338, 354, 355, observes: 'It is not for courts of Justice *proprio marte* to provide for all the defects or mischiefs of imperfect legislation'."

See also *Bardes* v. *Hawarden Bank*, 178 U. S. 524, 537 (1900), *Lapina* v. *Williams*, 232 U. S. 78 (1913). This latter case involved the construction of an Immigration Act in which the word "immigrants" was left out after the word "alien". It was held that this was intended to extend the statute to cover any alien.

G. As the Language of the Act of May 9, 1918, is Clear, Congressional Debates and Committee Reports are Not Admissible to Influence the Interpretation.

In this case the language used by various members of the House of Representatives in the Debates in Congress and Committee Reports recommending the passage of the act are referred to for the purpose of ascertaining the intention of Congress. The remarks made by Story, J., on this subject while sitting as a Circuit Court judge are worthy of quotation:

Mitchell v. *Great Works Milling Co.*, Fed. Cas. 9, 662, Circuit Court, D. Maine (1843):

"At the threshold of the argument, we are met with the suggestion, that when the act was before Congress, the opposite doctrine was then maintained in the House of Representatives, and it was confidently stated, that no such jurisdiction was conferred by the act, as is now insisted on. What passes in Congress upon the discussion of a bill can hardly become a matter of strict judicial inquiry; and if it were, it could scarcely be affirmed, that the opinions of a few members, expressed either way, are to be considered as the judgment of the whole house,

or even of a majority. But in truth, little reliance can or ought to be placed upon such sources of interpretation of a statute. The questions cannot be, and rarely are, there debated upon strictly legal grounds, with a full mastery of the subject and of the just rules of interpretation. The arguments are generally of a mixed character, addressed by way of objection, or of support, rather with a view to carry or defeat a bill, than with the strictness of a judicial decision. But if the house entertained one construction of the language of the bill, non constat, that the same opinion was entertained either by the Senate or by the President; and their opinions are certainly in a matter of the sanction of laws, entitled to as great weight as the other branch. *But in truth, courts of justice are not at liberty to look at considerations of this sort.* We are bound to interpret the act as we find it, and to make such an interpretation as its language and its apparent objects require. *We must take it to be true, that the legislature intend precisely what they say, and to the extent which the provisions of the act require, for the purpose of securing their just operation and effect.* Any other course would deliver over the court to interminable doubt and difficulties; and we should be compelled to guess what was the law, from the loose commentaries of different debates, instead of the precise enactments of the statute. Nor have there been wanting illustrious instances of great minds, which, after they had, as legislators, or commentators, reposed upon a short and hasty opinion, have deliberately withdrawn from their first impressions, when they came upon the judgment seat to re-examine the statute or law in its full bearings.

Passing from these considerations, which have been drawn from us by the suggestions at the bar, let us

look at the actual provisions of the bankrupt act of 1841 (chapter 9)."

This court has frequently decided that the meaning of an Act of Congress is not to be determined from statements used in debate in Congress and from Committee Reports. To be sure the latter will be given more weight than the former where the meaning of the act is obscure but not even these can be referred to to alter the plain language of a statute.

Wisconsin R. R. Com. v. *C., B. & Q. R. R. Co.*, 257 U. S. 563 (1921).

In that case the court said at page 589:

"Committee Reports and explanatory statements of members in charge made in presenting a bill for passage have been held to be a legitimate aid to the interpretation of a statute where its language is doubtful or obscure. *Duplex Printing Press Co.* v. *Deering*, 254 U. S. 443, 475. But when taking the act as a whole, the effect of the language used is clear to the court, extraneous aid like this cannot control the interpretation. *Pennsylvania R. R. Co.* v. *International Coal Mining Co.*, 230 U. S. 184, 198. *Caminetti* v. *United States*, 242 U. S. 470, 490. Such aids are only admissible to solve doubt and not to create it. For the reasons given, we have no doubt in this case."

Standard Fashion Co. v. *Magrane-Houston Co.*, 258 U. S. 346, 356 (1921).

To be sure, in the debate of this bill in Congress it was stated that the privileges of naturalization were not extended by subdivision 7 to cover Asiatics, but in the Committee Reports no such positive statement was made. It was simply said that the new section did cover Filipinos. The slight negative inference which might be drawn from

the failure of these Reports to point out the enlargement of the class of persons made subject to naturalization cannot be regarded as sufficient to overcome the evidence of the legislative intention drawn from the plain and unambiguous language of the Act itself emphasized by the contrast with that of the Act of 1914 which it supplanted.

Nor can it be forcefully argued that the Act of 1918 in consolidating several former naturalization acts may have been inadvertently extended to cover new classes without any actual intention of departing from the language of the former statute in this respect. This is not a mere revision and consolidation of former statutes to which a new interpretation is not to be given without some substantial change in phraseology. It is a new statute supplanting, changing and enlarging the former statutes in many respects and in which there is a significant change of phraseology.

Hecht v. *Malley*, 265 U. S. 144, 155, 156 (1923).

H. The Weight of Authority is in Favor of the Naturalization of the Appellant.

The Government lays great stress upon the fact that three district courts in addition to the lower court in this case have held Japanese ineligible to naturalization under the Act of May 9, 1918, and argues that the District Court of Hawaii alone (*In re Saito, supra*) has passed upon this question favorably to the Japanese. No reference is made to the many cases throughout the United States where Asiatics have been granted certificates of naturalization by various district courts.

Although complete figures are not available to the appellant, the records of the Bureau of Naturalization show that at least eighty-seven Asiatics have been naturalized in continental United States under the Acts in question divided among ten naturalization districts (letters from

Bureau of Naturalization, Exhibits C and D). All but nine of these were naturalized prior to the enactment of the Statute of July 19, 1919. In addition two hundred and thirteen Asiatics were naturalized by the United States District Court for the District of Hawaii.

As the naturalization of Asiatics was a departure from the former practice, the point must invariably have been called to the attention of the court by the Naturalization Examiners of the Districts, and the certificate granted by the court only after a careful examination of the Act. This means that at least eleven United States District Court judges have interpreted the Act as confirming the naturalization of Asiatics. Against the decision of Judge Lowell in the principal case cancelling the naturalization papers of the appellant, we have the decision of Judge Morton in granting the papers. Similarly in the other jurisdictions where the courts have allowed a petition cancelling the naturalization previously granted by another judge of the same court, the court must be regarded as divided on this question.

At the trial of the principal case in the District Court, Chief Naturalization Examiner James Farrell for the New England District testified that immediately after the passage of the Act of 1918 it was the disposition of the Bureau of Naturalization in Washington to approve naturalization of Japanese and Chinese serving in our forces. The majority of district courts throughout the United States were naturalizating such applicants with the knowledge and acquiescence of the Department and this was the practice in the Massachusetts District.

The construction placed upon a statute by an executive department charged with its administration is entitled to great weight.

U. S. v. *Cerecedo Hermanos y Company*, 209 U. S. 338 (1907).

Jacobs v. *Prichard*, 223 U. S. 200 (1911).
U. S. v. *Hammers*, 221 U. S. 220 (1911).

The fact that after the war was over and the need for further recruits had ceased the Department altered the interpretation formerly placed on the Act of 1918, is of little value in showing the construction placed upon the act contemporaneously with its passage.

I. Aliens Having Rendered Military Service Upon Promise of Citizenship Should Not Later Have the Citizenship Withdrawn.

A layman reading the provisions of the Act of 1918 would immediately say that Asiatics serving in our forces were eligible to naturalization under subdivision 7 of Section 4. There were many loyal Asiatics whose enlistments were about to expire and others contemplating enlisting for the first time. Such aliens were by the Act of May 9, 1918, led reasonably to suppose that if they satisfied the service requirements of the seventh subdivision their race would no longer constitute a bar to their becoming United States citizens. Citizenship carried with it higher pay to the enlisted man, protection of our flag abroad and the opportunity to vote in the country they had chosen for their residence and in the country for which they were willing to risk their lives.

From the very nature of the case it is impossible to ascertain how many Japanese and Chinese were influenced by the assurance of citizenship to enlist in our military forces. Is it just to those who, relying on the natural meaning of the words of our statute, took up arms in behalf of our country, that we should now by a forced interpretation of these words take back the citizenship which we held out to them as an inducement for their service?

This court should not look with favor upon the act of

the United States in holding out the privilege of citizenship to "any alien" as a tempting bait in time of this country's need and then snatching it away again when the need has passed, giving only the apologetic explanation that our lawmakers were ignorant of the meaning of such simple words.

It has been stated by this court that where the department of the Government charged with the execution of a statute has given the statute a construction a court will look with disfavor upon a change whereby parties who have contracted with the Government relying on such a construction might be injured.

> *United States* v. *Alabama R. Co.*, 142 U. S. 615, 621 (1892).
> *Logan* v. *Davis*, 233 U. S. 613, 627 (1914).

To be sure in the final analysis the meaning of the Act of 1918 is solely a question of statutory construction and not to be decided by an appeal to the emotions. But is not the interpretation placed on the words by the average layman and the reasonableness of this interpretation of some importance in deciding the meaning of the words used by Congress—and here the mind unhampered by extraneous matters does find the words clear?

III.

APPELLANT IS ENTITLED TO NATURALIZATION UNDER THE ACT OF JULY 19, 1919.

More than a year after the Act of May 9, 1918, a statute was passed to enable persons who served in our military forces to obtain naturalization within one year after discharge. Act of July 19, 1919 (c. 24, Sect. 1, 41 Stat. 222, Comp. Stat. 1923, Supp. Sect. 4352aaa).

> *"Any person of foreign birth who served in the military or naval forces of the United States during the present war,* after final examination and acceptance by the said military or naval authorities, and shall have been honorably discharged after such acceptance and service, *shall have the benefits of the seventh subdivision of section 4, of the Act of June 29, 1906.* 34 Statutes at Large, part 1, page 596, as amended, and shall not be required to pay any fee therefor; and this provision shall continue for the period of one year after all of the American troops are returned to the United States."

It is the contention of the appellant that he is eligible to naturalization under both of these acts but should it be decided that he is not entitled to naturalization under the Act of May 9, 1918, then it is contended that he is entitled to naturalization under this Act of July 19, 1919.

The intention was to extend the time within which service men could get the benefits of the Act of 1918. As some doubt had arisen to the construction of subdivision 7 of Section 4 of the Act of 1918 with regard to aliens falling within its scope, it was quite natural that Congress in order to clarify this should alter the words and now say "any person of foreign birth". There can

be no doubt but these words include Japanese and it can hardly be contended that the words here used for the first time have been judicially construed to mean simply free whites and persons of African nativity.

The Government contends along the lines suggested in *In re Charr* (273 Fed. 213), that Congress did not intend by the Act of 1919 to extend the persons eligible to naturalization beyond those persons covered by the Act of 1918. The appellant agrees with this contention, but in such a case, if any doubt exists, we look to the latter statute to determine the meaning of the former rather than seek the meaning of the new statute in the language of the old.

> *U. S.* v. *Freeman*, 3 How. 556 (1844), Wayne, J., p. 565:
>
> "If it can be gathered from a subsequent statute *in pari materia*, what meaning the legislature attached to the words of a former statute, they will amount to a legislative declaration of its meaning, and will govern the construction of the first statute. *Morris* v. *Mellin*, 6 Barn. & Cress. 454; 7 Barn. & Cress. 99."

The suggestion that the Act of 1919 received but slight consideration in Congress, was hastily appended to other legislation, and that, therefore, too much weight should not be placed on its exact words, is almost unworthy of mention. Haste or even carelessness on the part of Congress in passing a statute does not accomplish a transfer of its legislative powers to the courts. The Act of 1919 has expressly placed "Any person of foreign birth" within the "benefits of the 7th subdivision of Section 4 of the Act of June 29, 1906 . . . as amended". Persons specified in subdivision 7 are expressly excepted from the restrictions of R. S. Section 2169. How can the court conclude that the

appellant in this case has not been expressly released from the limitations of the restricting clause? If a correct construction of this statute furnishes an undesirable result, the remedy is with Congress.

CONCLUSION.

For the above reasons it is respectfully submitted that both of the questions certified should be answered in the affirmative.

LAURENCE M. LOMBARD,
Counsel for Appellant.

"A"

WAR DEPARTMENT
The Adjutant General's Office
Washington August 13, 1924.

Messrs. Blodgett, Jones, Burnham & Bingham, 1 Federal Street, Boston, Massachusetts.

Gentlemen: Your letter of August 8, addressed to the Bureau of Statistics has been referred to this office for consideration.

In response to your request to be furnished with information showing the number of Chinese and Japanese aliens who served in the United States military and naval forces during the World War, I have the honor to advise you as follows:

The War Department has never attempted to classify persons who have served in the United States Army during any period whatsoever according to the countries of their nativity, and therefore is not in a position to comply with your request.

An effort to furnish the information desired by you would involve the examination of the individual papers of every one of the 4,051,606 individuals who served in the Army during the war for the purpose of determining the number among them who were Japanese or Chinese aliens. The Department regrets that the pressure of current work precludes it from undertaking a task of these dimensions.

The only statistics available in the War Department pertaining to the subject are those relating to the registration and classification of aliens under the provisions of the Selective Service Law, which have been published on pages 398 to 400 of the Second Report of the Provost Marshal General, a copy of which can be be consulted in almost any large public library or may be purchased from

the Superintendent of Documents, Government Printing Office, Washington, D. C. According to those figures a total of 8,794 Chinese aliens and 14,582 Japanese aliens were registered for the draft from June 5, 1917, to September 11, 1918, of whom 1,313 Chinese and 983 Japanese aliens, respectively, were classified in Class 1, which means that they were found liable to render military service. How many of the men so classified were actually inducted into the service is not known and no statistics whatsoever are available on the number of Chinese or Japanese aliens who entered the military service as volunteers during the period of hostilities.

Inquiry concerning the personnel of the United States Navy and Marine Corps should be addressed to the Navy Department, Washington, D. C.

The stamped envelope which was inclosed with your letter is returned herewith.

Very truly yours,

ROBERT C. DAVIS,
Major General,
The Adjutant General.

"B"

NAVY DEPARTMENT
Bureau of Navigation

Washington, D. C. 4 September, 1924.

Gentlemen:—Replying to your inquiry of 27 August, 1924, concerning the number of Asiatics in the United States Navy during the war, the following information is furnished:

Regular Navy	
Chinese	179
Japanese	102

Naval Reserve Force	
Chinese	30
Japanese	6
Total	317

This Department has no record of receiving your letters dated 1 December and 8 March last.

Very truly yours,

C. B. HATCH
Lt. Comdr., USNRF

Messrs. Blodgett, Jones, Burnham & Bingham, First National Building, 1 Federal Street, Boston, Mass.

"C"

U. S. DEPARTMENT OF LABOR
Bureau of Naturalization

Washington November 21, 1923.

Mr. Laurence M. Lombard, c/o Blodgett, Jones, Burnham & Bingham, Counsellors at Law, First National Bank Building, 60 Federal Street, Boston, Mass.

Dear Sir: Your letter of the 13th instant has been received in regard to Hidemitsu Toyota, whose case you state has been certified to the Supreme Court of the United States.

No attempt has been made in the past to keep an exact and accurate record of Asiatics naturalized under the acts of May 9, 1918, and July 19, 1919. However, the figures herein appearing taken from the files of this office are substantially accurate. Naturalization of Asiatics under the two statutes referred to took place in the following numbers in the naturalization districts named:

Boston	17	Denver	3
New York	7	Chicago	2
Philadelphia	21	San Francisco	26
St. Louis	1	Seattle	1
St. Paul	1		

Of the foregoing 16 were Chinese, 5 were Hindus, 54 were Japanese, 3 were Koreans and 1 was a Malay.

With the exception of 9, all of the other Asiatics before referred to were naturalized prior to the enactment of the law of July 19, 1919.

In addition to the foregoing figures the United States District Court, Honolulu, Hawaii, on April 14, 1919, naturalized about 200 Japanese, 10 Koreans, 2 Chinese and 1 Hindu under the provisions of the act of May 9, 1918. At that time there were about 200 additional applications for naturalization pending which had been made by Japanese, Koreans and Chinese, but it cannot at this time be determined whether these applications were subsequently granted.

Very truly yours,

RAYMOND F. CRIST,
Commissioner of Naturalization.

"D"

U. S. DEPARTMENT OF LABOR
Bureau of Naturalization
Washington October 31, 1924.

Laurence M. Lombard, Esq., Blodgett, Jones, Burnham & Bingham, Counsellors at Law, First National Bank Building, 1 Federal St., Boston, Mass.

Dear Sir: Answering your letter of the 21st inst, I am stating below revised figures for the naturalization districts named pertaining to the number of Asiatics who

were naturalized under the provisions of the Acts of May 9, 1918, and July 19, 1919, based on the data transmitted with your communication:

Boston	23
Denver	4
Pittsburg	1

The number shown above for the Boston naturalization district does not include the case of Leong Fee Fong, a native of China, which you state the result of your investigation shows is still pending in the United States District Court of your city. As indicated, the revised number for the Denver naturalization district is 4. This is an increase of one over the number shown in my communication of Nov. 21, 1923, for that district. The Pittsburg naturalization district includes Buffalo, N. Y. For this reason, the case of Hassen Sha, who appears to be an Afghan and not a Turk, is included in the district next above referred to. As no specific information was furnished for the native of China whose case you include in the Western District of New York, Buffalo, it was not possible for this office to locate its record of that case. All the other cases to which you make reference have been included and accounted for either in the figures furnished last November or the revised figures shown above.

Very truly yours,

T. B. SHOEMAKER,
Deputy Commissioner of Naturalization.

INDEX OF PROVISIONS OF NATURALIZATION LAWS PERTINENT TO CASE.

U. S. DEPARTMENT OF LABOR
JAMES J. DAVIS, Secretary
BUREAU OF NATURALIZATION

NATURALIZATION LAWS AND REGULATIONS

▼

JUNE 15, 1924

This edition supersedes all previous editions

WASHINGTON
GOVERNMENT PRINTING OFFICE
1924

U. S. DEPARTMENT OF LABOR

JAMES J. DAVIS, Secretary

BUREAU OF NATURALIZATION

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NATURALIZATION LAWS AND REGULATIONS

NATURALIZATION LAWS

Act of June 29, 1906 (34 Stat. L., Part 1, p. 596), as amended in sections 16, 17, and 18 by the act of Congress approved March 4, 1909[1] (35 Stat. L., Part 1, p. 1088); in section 18 by the act of Congress approved June 25, 1910[2] (36 Stat. L., Part 1, p. 830); by the act of Congress approved March 4, 1913[3] (37 Stat. L., Part 1, p. 736), creating the Department of Labor; and by the act of Congress approved May 9, 1918[4] (40 Stat. L., Part 1, p. 542)

An Act to provide for a uniform rule for the naturalization of aliens throughout the United States, and establishing the Bureau of Naturalization

[Portion of act creating the Department of Labor]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created an executive department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate; * * *

* * * * * * * * *

SEC. 8. That the following-named officers, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as * * * the Bureau of Immigration and Naturalization, * * * the Division of Naturalization, * * * be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department. The Bureau of Immigration and Naturalization is hereby divided into two bureaus, to be known hereafter as the Bureau of Immigration and the Bureau of Naturalization, and the titles Chief Division of Naturalization and Assistant Chief shall be Commissioner of Naturalization and Deputy Commissioner of Naturalization. The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization, shall be the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, * * *.

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[1] See pp. 26–28. [2] See p. 18. [3] See p. 3. [4] See p. 6.

[Act of June 29, 1906, as amended by the acts heretofore referred to]

That the Bureau of Naturalization, under the direction and control of the Secretary of Labor, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the Bureau of Immigration to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof.

SEC. 2. [This section is omitted, as it authorized the Secretary of Commerce and Labor to provide the necessary offices in the city of Washington and take the necessary steps for the proper discharge of the duties imposed by the act of June 29, 1906.]

SEC. 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit[1] and district courts now existing, or which may hereafter be established by Congress[2] in any State, United States district courts for the Territories of Arizona,[3] New Mexico,[3] Oklahoma,[3] Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory;[3] also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified—State, Territorial, and Federal—shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said bureau.

SEC. 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First: He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign

[1] United States circuit courts abolished December 31, 1911, by act of Congress approved March 3, 1911 (36 Stat. L., part 1, p. 1167).
[2] Establishment of United States district court for Porto Rico. See p. 23.
[3] United States Territorial courts abolished by acts of Congress conferring statehood.

rince, potentate, state, or sovereignty, and particularly, by name, to ie prince, potentate, state, or sovereignty of which the alien may be t the time a citizen or subject. And such declaration shall set forth he name, age, occupation, personal description, place of birth, last oreign residence and allegiance, the date of arrival, the name of the essel, if any, in which he came to the United States, and the present lace of residence in the United States of said alien: *Provided, however*, That no alien who, in conformity with the law in force at the ate of his declaration, has declared his intention to become a citizen f the United States shall be required to renew such declaration.[1]

Second. Not less than two years nor more than seven years after ie has made such declaration of intention he shall make and file, in luplicate, a petition in writing, signed by the applicant in his own iandwriting and duly verified, in which petition such applicant shall tate his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided*, That if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or the District of Columbia,[2] in which the application is made for a period of at least one year immediately preceding the date of the filing

[1] See U. S. v. Morena, 245 U. S. 392.
[2] The word "District" amended by the act of May 9, 1918, to read "the District of Columbia."

of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Labor, if the petitioner arrives in the United States after the passage of this act, stating the date, place, and manner of his arrival in the United States,[1] and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this act, be naturalized without making any declaration of intention.

[2] Seventh. Any native-born Filipino of the age of twenty-one years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who, after service of not less than three years, may be

[1] See U. S. v. Ness, 245 U. S. 319, holding that the filing of a certificate of arrival as provided in section 4 of the act of June 29, 1906, is an essential prerequisite to a valid order of naturalization.

[2] Section four of the act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States," approved June twenty-ninth, nineteen hundred and six, was amended by the act of May 9, 1918 (40 Stat. L., Part 1, p. 542), by adding seven new subdivisions

honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of twenty-one years and upward, who has enlisted or entered or may hereafter enlist in or enter the armies of the United States, either the Regular or the Volunteer Forces, or the National Army, the National Guard or Naval Militia of any State, Territory, or the District of Columbia, or the State militia in Federal service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden, and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; any alien serving in the military or naval service of the United States during the time this country is engaged in the present war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States; any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within the United States, and the place of such military service shall be construed as the place of residence required to be established for purposes of naturalization; and any alien, or any person owing permanent allegiance to the United States embraced within this subdivision, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts specified in section three of the act of June twenty-ninth, nineteen hundred and six, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings; and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the

masters of said vessels, shall be deemed prima facie evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the manner prescribed; and any petition for naturalization filed under the provisions of this subdivision may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during thirty days preceding any election in the jurisdiction of the court. Any alien who, at the time of the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which together with the oath of allegiance, may be taken in accordance with the terms of section seventeen hundred and fifty of the Revised Statutes of the United States after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section eleven of the act of June twenty-ninth, nineteen hundred and six. Members of the Naturalization Bureau and Service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law; and the requirement of section ten of notice to take depositions to the United States attorneys is repealed, and the duty they perform under section fifteen of the act of June twenty-ninth, nineteen hundred and six (Thirty-fourth Statutes at Large, part one, page five hundred and ninety-six), may also be performed by the Commissioner or Deputy Commissioner of Naturalization: *Provided*, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of thirty days preceding the day of holding any election in the jurisdiction of the court: *Provided further*, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry.

During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for this service unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A full accounting for all of these transactions shall be made to the Bureau of Naturalization in the manner provided by section thirteen of the act of June twenty-ninth, nineteen hundred and six.

Eighth. That every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen: *Provided*, That nothing contained in this act shall be taken or construed to repeal or modify any portion of the act approved March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, part one, page eleven hundred and sixty-four, chapter one hundred and fifty-three), being an act to promote the welfare of American seamen.

Ninth. That for the purpose of carrying on the work of the Bureau of Naturalization of sending the names of the candidates for citizenship to the public schools and otherwise promoting instruction and training in citizenship responsibilities of applicants for naturalization, as provided in this subdivision, authority is hereby given for the reimbursement of the printing and binding appropriation of the Department of Labor upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Bureau of Naturalization for the cost of publishing the citizenship textbook prepared and to be distributed by the Bureau of Naturalization to those candidates for citizenship only who are in attendance upon the public schools, such reimbursement to be made upon statements by the Commissioner of Naturalization of books actually delivered to such student candidates for citizenship, and a monthly naturalization bulletin, and in this duty to secure the aid of and cooperate with the official State and national organizations, including those concerned with vocational education and including personal services in the District of Columbia, and to aid the local Army exemption boards and cooperate with the War Department in locating declarants subject to the Army draft and expenses incidental thereto.

Tenth. That any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July first, nineteen hundred and fourteen, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law, and who during or prior to that time, because of misinformation regarding his citizenship status, erroneously exercised the rights and performed the duties of a citizen of the United States in good faith,

may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law.

Eleventh. No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention not less than two nor more than seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject: *Provided*, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require: *Provided, however*, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien; and section twenty-one hundred and seventy-one of the Revised Statutes of the United States is hereby repealed: *Provided further*, That the President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization; and for the purposes of carrying into effect the provisions of this section, including personal services in the District of Columbia, the sum of $400,000 is hereby appropriated, to be available until June thirtieth, nineteen hundred and nineteen, including travel expenses for members of the Bureau of Naturalization and its field service only, and the provisions of section thirty-six hundred and seventy-nine of the Revised Statutes shall not be applicable in any way to this appropriation.

Twelfth. That any person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval service of any country at war with a country with which the United States is now at war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization, and the act

lic fifty-five, Sixty-fifth Congress, approved October fifth, nine-
undred and seventeen), is hereby repealed.
irteenth. That any person who is serving in the military or naval
s of the United States at the termination of the existing war,
ny person who before the termination of the existing war may
been honorably discharged from the military or naval services
e United States on account of disability incurred in line of duty,
if he applies to the proper court for admission as a citizen of
United States, be relieved from the necessity of proving that
diately preceding the date of his application he has resided
nuously within the United States the time required by law of
aliens, or within the State, Territory, or the District of Colum-
or the year immediately preceding the date of his petition for
ralization, but his petition for naturalization shall be supported
he affidavits of two credible witnesses, citizens of the United
es, identifying the petitioner as the person named in the certifi-
of honorable discharge, which said certificate may be accepted
idence of good moral character required by law, and he shall
ply with the other requirements of the naturalization law.
EC. 5. That the clerk of the court shall, immediately after filing
petition, give notice thereof by posting in a public and conspicu-
place in his office, or in the building in which his office is situated,
er an appropriate heading, the name, nativity, and residence of
alien, the date and place of his arrival in the United States, and
date, as nearly as may be, for the final hearing of his petition, and
names of the witnesses whom the applicant expects to summon
is behalf; and the clerk shall, if the applicant requests it, issue a
pœna for the witnesses so named by the said applicant to appear
n the day set for the final hearing, but in case such witnesses
not be produced upon the final hearing other witnesses may be
moned.
EC. 6. That petitions for naturalization may be made and filed
ing term time or vacation of the court and shall be docketed the
e day as filed, but final action thereon shall be had only on stated
s, to be fixed by rule of the court, and in no case shall final action
had upon a petition until at least ninety days have elapsed after
g and posting the notice of such petition: *Provided*, That no per-
shall be naturalized nor shall any certificate of naturalization be
ed by any court within thirty days preceding the holding of any
eral election within its territorial jurisdiction. It shall be lawful
the time and as a part of the naturalization of any alien, for the
rt, in its discretion, upon the petition of such alien, to make a
ree changing the name of said alien, and his certificate of naturali-
ion shall be issued to him in accordance therewith.
EC. 7. That no person who disbelieves in or who is opposed to
anized government, or who is a member of or affiliated with any
anization entertaining and teaching such disbelief in or opposition
organized government, or who advocates or teaches the duty,
essity, or propriety of the unlawful assaulting or killing of any
cer or officers, either of specific individuals or of officers generally,
the Government of the United States, or of any other organized
vernment, because of his or their official character, or who is a
lygamist, shall be naturalized or be made a citizen of the United
ates.

SEC. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further*, That the requirements of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further*, That the requirements of section eight shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

SEC. 9. That every final hearing upon such petition shall be had in open court[1] before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

SEC. 10. That in case the petitioner has not resided in the State, Territory, or the District of Columbia[2] for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Naturalization.

SEC. 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

SEC. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to

[1] See U. S. v. Solomon Louis Ginsberg, 243 U. S. 472, April 9, 1917, holding that under section 9 of the act of June 29, 1906, a hearing in the judge's chambers adjoining the court room is not a compliance with the section.

[2] The word "District" amended by the act of May 9, 1918, to read "the District of Columbia."

furnish to said bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Naturalization, and shall account for the same to the said bureau whenever required so to do by such bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

SEC. 13.[1] That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Naturalization, and paid over to such bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and Other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpœnaing and paying the legal fees of any witnesses for whom he may request a subpœna, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from

[1] Sec. 13 as amended by act of June 25, 1910.

the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: *Provided*, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the clerks of courts from fees received by such clerks in naturalization proceedings.

And in case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of six thousand dollars in any fiscal year the Secretary of Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that clerk, additional to the clerical force, for which clerks of courts are required by this section to pay from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance: *Provided*, That in no event shall the whole amount allowed the clerk of a court and his assistants exceed the one-half of the gross receipts of the office of said clerk from naturalization fees during such fiscal year: *Provided further*, That when, at the close of any fiscal year, the business of such clerk of court indicates, in the opinion of the Secretary of Labor, that the naturalization fees for the succeeding fiscal year will exceed six thousand dollars the Secretary of Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed on the last day of the fiscal year until such time as the remittances indicate, in the opinion of said Secretary, that the fees for the then current fiscal year will not be sufficient to allow the additional clerical assistance authorized by this act.

That payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Labor may prescribe.

SEC. 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate.

SEC. 15.[1] That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction

[1] See Johannessen *v.* U. S., 225 U. S., canceling a certificate issued through fraud prior to the passage of the act; also Luria *v.* U. S., 231 U. S. 9, canceling a certificate issued in July, 1894, where the applicant one month after his naturalization left the United States and proceeded to South Africa; and U. S. *v.* Ness, 245 U. S. 319, holding that where a certificate of arrival had not been obtained and filed as required by law the certificate of naturalization was illegally procured within the meaning of section 15 of the act of June 29, 1906.

to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

SEC. 16. [Superseded by act of Mar. 4, 1909. See sec. 74, p. 26.]

SEC. 17. [Superseded by act of Mar. 4, 1909. See sec. 75, p. 27.]

SEC. 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citi-

zenship contrary to the provisions of this act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court.

SEC. 19. [Superseded by act of Mar. 4, 1909. See sec. 77, p. 27.]

SEC. 20. That any clerk or other officer of a court having power under this act to naturalize aliens, who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both.

SEC. 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

SEC. 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not to exceed five years.

SEC. 23. That any person who knowingly procures naturalization in violation of the provisions of this act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

SEC. 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this act unless the indictment is found or the information is filed within five years next after the commission of such crime.

SEC. 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this act shall go into effect, the existing naturalization laws shall remain in full force and effect.

SEC. 26. That sections twenty-one hundred and sixty-five, twenty-one hundred and sixty-seven, twenty-one hundred and sixty-eight, twenty-one hundred and seventy-three of the Revised Statutes of the Unted States of America, and section thirty-nine of chapter one thousand and twelve of the Statutes at Large of the United States of America for the year nineteen hundred and three, and all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

SEC. 27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION

(Invalid for all purposes seven years after the date hereof.)

_____ _____, ss:

I, _____ _____, aged_____ years, occupation_____, do declare on oath (affirm) that my personal description is: Color_____, complexion _____, height _____, weight _____, color of hair _____, color of eyes _____, other visible distinctive marks _____; I was born in _____, on the _____ day of _____, anno Domini _____; I now reside at _____; I emigrated to the United States of America from _____, on the vessel _____; my last foreign residence was _____. It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to _____, of which I am now a citizen (subject); I arrived at the (port) of _____, in the State (Territory or the District of Columbia [1]) of _____, on or about the _____ day of _____, anno Domini _____; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant) _____ _____.

Subscribed and sworn to (affirmed) before me this _____ day of _____, anno Domini _____.

[L. S.] _____ _____,

(Official character of attestor.)

[1] The word "District" amended by the act of May 9, 1918, to read "the District of Columbia."

PETITION FOR NATURALIZATION

_____ Court of _____.

In the matter of the petition of _____ to be admitted as a citizen of the United States of America.

To the _____ Court:

The petition of _____ _____ respectfully shows:

First. My full name is _____.

Second. My place of residence is number _____ street, city of _____, State (Territory or the District of Columbia [1]) of _____.

Third. My occupation is _____.

Fourth. I was born on the _____ day of _____ at _____.

Fifth. I emigrated to the United States from _____, on or about the _____ day of _____, anno Domini _____, and arrived at the port of _____, in the United States, on the vessel _____.

Sixth. I declared my intention to become a citizen of the United States on the _____ day of _____, at _____, in the _____ court of _____.

Seventh. I am __ married. My wife's name is _____ _____. She was born in _____ and now resides at _____. I have _____ children, and the name, date, and place of birth and place of residence of each of said children is as follows: _____ _____; _____ _____; _____ _____.

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to _____, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since _____, anno Domini _____ and in the State (Territory or the District of Columbia [1]) of _____ for one year at least next preceding the date of this petition, to wit, since _____ day of _____, anno Domini _____.

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the _____ court of _____ at _____, and the said petition was denied by the said court for the following reasons and causes, to wit, _____, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the

[1] The word "District" amended by the act of May 9, 1918, to read "the District of Columbia."

certificate from the Department of Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated _____.

(Signature of petitioner) _____ _____.

_____ _____, ss:

_____ _____, being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this _____ day of _____, anno Domini _____.

[L. S.] _____ _____,
Clerk of the _____ Court.

AFFIDAVIT OF WITNESSES

_____ Court of _____

In the matter of the petition of _____ _____ to be admitted a citizen of the United States of America.

_____ _____, ss:

_____ _____, occupation _____, residing at _____, and _____ _____, occupation _____, residing at _____, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known _____ _____, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or the District of Columbia [1]) in which the above-entitled application is made for a period of _____ years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

_____ _____.
_____ _____.

Subscribed and sworn to before me this _____ day of _____, nineteen hundred and _____.

[L. S.] _____ _____,
(Official character of attestor.)

[1] The word "District" amended by the act of May 9, 1918, to read "the District of Columbia."

CERTIFICATE OF NATURALIZATION

Number ______.
Petition, volume ______, page ______
Stub, volume ______, page ______
(Signature of holder) ______ ______.

Description of holder: Age, ______; height, ______; color, ______; complexion, ______; color of eyes, ______; color of hair, ______; visible distinguishing marks, ______. Name, age, and place of residence of wife, ______, ______, ______. Names, ages, and places of residence of minor children, ______, ______, ______; ______, ______, ______; ______, ______, ______.

______ ______, ss:

Be it remembered, that at a ______ term of the ______ court of ______, held at ______ on the ______ day of ______, in the year of our Lord nineteen hundred and ______, ______, who previous to his (her) naturalization was a citizen or subject of ______, at present residing at number ______ ______ street, ______ city (town), ______ State (Territory or the District of Columbia [1]), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that __he was entitled to be so admitted, it was thereupon ordered by the said court that __he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the ______ day of ______, in the year of our Lord nineteen hundred and ______ and of our independence the ______.

[L. S.] ______ ______,
(Official character of attestor.)

STUB OF CERTIFICATE OF NATURALIZATION

No. of certificate, ______.
Name, ______ ______; age, ______.
Declaration of intention, volume ______, page ______.
Petition, volume ______, page ______.
Name, age, and place of residence of wife, ____, ____, ____. Names, ages, and places of residence of minor children, ____, ____, ____, ____, ____, ____, ____, ____, ____, ____, ____, ____, ____, ____, ____, ____.
____
____
Date of order, volume ______, page ______.
(Signature of holder) ______ ______.

[1] The word "District" amended by the act of May 9, 1918, to read "the District of Columbia."

SEC. 28. That the Secretary of Labor shall have power to make ich rules and regulations as may be necessary for properly carrying ito execution the various provisions of this act. Certified copies f all papers, documents, certificates, and records required to be used, led, recorded, or kept under any and all of the provisions of this ct shall be admitted in evidence equally with the originals in any nd all proceedings under this act and in all cases in which the riginals thereof might be admissible as evidence.

SEC. 29. That for the purpose of carrying into effect the provi- ions of this act there is hereby appropriated the sum of one undred thousand dollars, out of any moneys in the Treasury of he United States not otherwise appropriated, which appropriation hall be in full for the objects hereby expressed until June thirtieth, ineteen hundred and seven; and the provisions of section thirty-six undred and seventy-nine of the Revised Statutes of the United tates shall not be applicable in any way to this appropriation.

SEC. 30. That all the applicable provisions of the naturalization aws of the United States shall apply to and be held to authorize the dmission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, vith the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall nake his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within he jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within he meaning of the five years' residence clause of the existing law.

SEC. 31. That this act shall take effect and be in force from and fter ninety days from the date of its passage: *Provided*, That sections one, two, twenty-eight, and twenty-nine shall go into effect rom and after the passage of this act.

Approved, June 29, 1906.

NATURALIZATION

[For a list of sections repealed see p. 17 of this pamphlet, sec. 26 of act of June 29, 1906; subdivisions 11th and 12th, under sec. 4, p. 10; and p. 28]

NATURALIZATION LIMITED TO WHITE PERSONS AND THOSE OF THE AFRICAN RACE

[Act of February 18, 1875, amending act of July 14, 1870]

SEC. 2169.[1] The provisions of this title shall apply to aliens being free white persons; and to aliens of African nativity and to persons of African descent. (R. S. 1878, p. 380; 1 Comp. Stat. 1901, p. 1333.)

NATURALIZATION OF CHINESE PROHIBITED

[Act of May 6, 1882]

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed. (22 Stat. L., p. 61.)

[1] See Takao Ozawa v. U. S., 260 U. S. 178; Takuji Yamashita v. Hinkle, Secretary of State, 260 U. S. 199; U. S. v. Bhagat Singh Thind, 261 U. S. 204.

RESIDENCE WITHIN THE UNITED STATES REQUIRED FOR FIVE YEARS CONTINUOUSLY

[Act of March 3, 1813]

[The United States Circuit Court of Appeals has held that sec. 2170 was not repealed by the naturalization act of June 29, 1906. (See United States v. Redlich, 161 Fed. 469.)]

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States. (R. S. 1878, p. 380; 1 Comp. Stat. 1901, p. 1333.)

NATURALIZATION OF ALIEN ENEMIES PROHIBITED

[Act of July 30, 1813, amending act of April 14, 1802]

SEC. 2171. R. S. 1878, p. 380; 1 Comp. Stat. 1901, p. 1334. This section repealed by the act of May 9, 1918 (40 Stat. L., pt. 1, subd. 11, p. 545). (See sec. 4, subdivision 11th, p. 10.)

ALIEN SEAMEN OF MERCHANT VESSELS

[Act of July 7, 1872]

SEC. 2174. R. S. 1878, p. 380; 1 Comp. Stat. 1901, p. 1334. This section repealed by the act of May 9, 1919 (40 Stat. L., pt. 1, p. 542). (See sec. 4, subdivisions 7th and 8th, pp. 6 and 9.)

NATURALIZATION OF DECLARANTS WHO HAVE SERVED IN THE NAVAL RESERVE FORCE IN TIME OF WAR

[Act of May 22, 1917]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes," approved August twenty-ninth, nineteen hundred and sixteen, be, and the same is hereby, amended by adding after the proviso under the heading "Naval Reserve Force," which reads as follows: "*Provided*, That citizens of the insular possessions of the United States may enroll in the Naval Auxiliary Reserve," a further proviso as follows: *Provided further*, That such persons who are not citizens of the United States, but who have or shall have declared their intention to become citizens of the United States, and who are citizens of countries which are at peace with the United States, may enroll in the Naval Reserve Force subject to the condition that they may be discharged from such enrollment at any time within the discretion of the Secretary of the Navy, and such persons who may, under existing law, become citizens of the United States, and who render honorable service in the Naval Reserve Force in time of war for a period of not less than one year may become citizens of the United States without proof of residence on shore and without further requirement than proof of good moral character and certificate from the Secretary of the Navy that such honorable service was actually rendered. (40 Stat. L., pt. 1, p. 84.)

HONORABLY DISCHARGED SOLDIERS EXEMPT FROM CERTAIN FORMALITIES

[Act of July 17, 1862]

SEC. 2166. R. S. 1878, p. 379; 1 Comp. Stat. 1901, p. 1332. This section repealed by act of May 9, 1918 (40 Stat. L., pt. 1, p. 542), except as to honorably discharged soldier who served in U. S. Armies prior to January 1, 1900. (See subdivision 7th, p. 6; sec. 2, p. 28.)

ALIENS HONORABLY DISCHARGED FROM SERVICE IN NAVY OR MARINE CORPS

[Act of July 26, 1894 (28 Stat. L., p. 124). Repealed by act of May 9, 1918 (40 Stat. L., pt. 1, sec. 2, p. 542).]

(See subdivision 7th, p. 6; also p. 28.)

ALIENS HONORABLY DISCHARGED FROM SERVICE IN NAVY, MARINE CORPS, REVENUE-CUTTER SERVICE, OR NAVAL AUXILIARY SERVICE

[Act of June 30, 1914 (38 Stat. L., pt. 1, p. 393). Repealed by act of May 9, 1918 (40 Stat. L., pt. 1, sec. 2, p. 542).]

(See subdivision 7th, p. 6; also p. 28.)

ALIENS HONORABLY DISCHARGED FROM MILITARY OR NAVAL FORCES OF THE UNITED STATES AFTER SERVICE DURING THE PRESENT WAR

[Act of July 19, 1919]

* * * * * * *

Any person of foreign birth who served in the military or naval forces of the United States during the present war, after final examination and acceptance by the said military or naval authorities, and shall have been honorably discharged after such acceptance and service, shall have the benefits of the seventh subdivision of section 4, of the act of June 29, 1906, 34 Statutes at Large, part 1, page 596, as amended, and shall not be required to pay any fee therefor; and this provision shall continue for the period of one year after all of the American troops are returned to the United States. (41 Stat. L., pt. 1, 222.)

NOTE.—The official date for the return of all American troops was March 3, 1923, therefore the exemptions carried by this act expired on March 3, 1924.

ALIENS WHO ERRONEOUSLY BELIEVED THEMSELVES CITIZENS EXEMPT FROM CERTAIN FORMALITIES

[Act of June 25, 1910]

SEC. 3, 36 Stat. L., pt. 1, p. 830. This section repealed by act of May 9, 1918 (40 Stat. L., pt. 1, sec. 2, p. 547). (See subdivision 10th, p. 9; also p. 28.)

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN

[Act of September 22, 1922]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

SEC. 2. That any woman who marries a citizen of the United States after the passage of this act, or any woman whose husband is

naturalized after the passage of this act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period or residence within the United States and the one-year period of resjdence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition.

SEC. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided*, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907. Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the expatriation act of 1907 with reference to expatriation.

SEC. 4. That a woman who, before the passage of this act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this act: *Provided*, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this act.

SEC. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.

SEC. 6. That section 1994 of the Revised Statutes and section 4 of the expatriation act of 1907 are repealed. Such repeal shall not terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the expatriation act of 1907.

SEC. 7. That section 3 of the expatriation act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this act, have for all purposes the same citizenship status as immediately preceding her marriage. (42 Stat. L., pt. 1, p. 1021.)

PROVIDING FOR NATURALIZATION OF WIFE AND MINOR CHILDREN OF INSANE ALIENS MAKING HOMESTEAD ENTRIES UNDER LAND LAWS OF THE UNITED STATES

[Act of February 24, 1911]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the other provisions of the naturalization laws, be naturalized without making any declaration of intention. (36 Stat. L., pt. 1, p. 929.)

NATURALIZATION OF DESERTERS OR PERSONS WHO GO ABROAD TO AVOID DRAFT PROHIBITED

[Act of August 22, 1912]

SEC. 3954. [Amending Sec. 1998, U. S. R. S.] Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section 1996 of the Revised Statutes: *Provided*, That the provisions of this section and said section 1996 [*infra*] shall not apply to any person hereafter deserting the military or naval service of the United States in time of peace * * *. (4 Comp. Stat. 1916, p. 4828.)

[Act of March 3, 1865]

SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof. (R. S. 1878, p. 350; 1 Comp. Stat. 1901, p. 1269.)

DEBARRING FROM NATURALIZATION CERTAIN ALIENS WHO MAY WITHDRAW THEIR DECLARATIONS OF INTENTION TO AVOID MILITARY SERVICE

[Act of July 9, 1918]

* * * *Provided*, That a citizen or subject of a country neutral in the present war who has declared his intention to become a citizen of the United States shall be relieved from liability to military service upon his making a declaration, in accordance with such regulations as the President may prescribe, withdrawing his intention to become a citizen of the United States, which shall operate and be held to cancel his declaration of intention to become an American citizen, and he shall forever be debarred from becoming a citizen of the United States. * * *. (40 Stat. L., pt. 1, p. 885.)

RELATING TO SECTION 10 OF THE ACT OF JUNE 29, 1906, AS AMENDED JUNE 25, 1910

[Act of June 12, 1917]

* * * *Provided*, That the whole amount allowed for a fiscal year to the clerk of a court and his assistants from naturalization fees and this appropriation or any similar appropriation made hereafter shall be based upon and not exceed the one-half of the gross receipts of said clerk from naturalization fees during the fiscal year immediately preceding, unless the naturalization business of the clerk of any court during the year shall be in excess of the naturalization business of the preceding year, in which event the amount allowed may be increased to an amount equal to one-half the estimated gross receipts of the said clerk from naturalization fees during the current fiscal year: * * * (40 Stat. L., pt. 1, p. 171.)

OFFICIAL MAIL TO BE FORWARDED BY CLERKS OF COURTS TO BUREAU FREE OF POSTAGE, AND BY REGISTERED MAIL IF NECESSARY

[Act of October 6, 1917]

* * * That all mail matter, of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Bureau of Naturalization by clerks of State or Federal courts, addressed to the Department of Labor, or the Bureau of Naturalization, or to any official thereof, and indorsed "Official Business," shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided further*, That if any person shall make use of such indorsement to avoid payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

* * * * * * *

(40 Stat. L. pt. 1, p. 376. Postal Laws and Regs., sec. 878, par. 3, and sec. 498, par. 2.)

VALIDATING CERTAIN CERTIFICATES OF NATURALIZATION WHERE DECLARATIONS WERE FILED PRIOR TO SEPTEMBER 27, 1906

[Act of May 9, 1918]

SEC. 3. That all certificates of naturalization granted by courts of competent jurisdiction prior to December thirty-first, nineteen hundred and eighteen, upon petitions for naturalization filed prior to January thirty-first, nineteen hundred and eighteen, upon declarations of intention filed prior to September twenty-seventh, nineteen hundred and six, are hereby declared to be valid in so far as the declaration of intention is concerned, but shall not be by this act further validated or legalized. (40 Stat. L., pt. 1, p. 548.)

AN ACT TO CODIFY, REVISE, AND AMEND THE PENAL LAWS OF THE UNITED STATES

[Act of March 4, 1909]

[The following sections repealed secs. 16, 17, and 19 of the act of June 29, 1906]

SEC. 74. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any

rtificate of citizenship with intent to use the same, or with the in-nt that the same may be used by some other person, shall be fined ot more than ten thousand dollars, or imprisoned not more than ten ars, or both.

SEC. 75. Whoever shall engrave, or cause or procure to be engraved, assist in engraving, any plate in the likeness of any plate designed r the printing of a certificate of citizenship; or whoever shall sell ny such plate, or shall bring into the United States from any foreign lace any such plate, except under the direction of the Secretary of abor or other proper officer; or whoever shall have in his control, stody, or possession any metallic plate engraved after the similitude f any plate from which any such certificate has been printed, with tent to use or to suffer such plate to be used in forging or counter-iting any such certificate or any part thereof; or whoever shall rint, photograph, or in any manner cause to be printed, photo-raphed, made, or executed any print or impression in the likeness of ny such certificate, or any part thereof; or whoever shall sell any uch certificate, or shall bring the same into the United States from ny foreign place, except by direction of some proper officer of the nited States; or whoever shall have in his possession a distinctive aper which has been adopted by the proper officer of the United tates for the printing of such certificate, with intent unlawfully to se the same, shall be fined not more than ten thousand dollars, or nprisoned not more than ten years, or both.

SEC. 76. Whoever, when applying to be admitted a citizen, or when ppearing as a witness for any such person, shall knowingly personate ny person other than himself, or shall falsely appear in the name of deceased person, or in an assumed or fictitious name; or whoever hall falsely make, forge, or counterfeit any oath, notice, affidavit, ertificate, order, record, signature, or other instrument, paper, or roceeding required or authorized by any law relating to or provid-ng for the naturalization of aliens; or whoever shall utter, sell, dis-ose of, or shall use as true or genuine, for any unlawful purpose, any alse, forged, antedated, or counterfeit oath, notice, certificate, order, ecord, signature, instrument, paper, or proceeding above specified; r whoever shall sell or dispose of to any person other than the per-on for whom it was originally issued any certificate of citizenship or ertificate showing any person to be admitted a citizen, shall be fined ot more than one thousand dollars, or imprisoned not more than five ears, or both.

SEC. 77. Whoever shall use or attempt to use, or shall aid, assist, r participate in the use of any certificate of citizenship, knowing the ame to be forged, counterfeit, or antedated, or knowing the same to ave been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, orged, antedated, or counterfeit certificate of citizenship purporting o have been issued under any law of the United States relating to aturalization, knowing such certificate to be false, forged, antedated, r counterfeit, with the intent unlawfully to use the same; or whoever hall obtain, accept, or receive any certificate of citizenship, knowing he same to have been procured by fraud or by the use or means of ny false name or statement given or made with the intent to procure, r to aid in procuring, the issuance of such certificate, or knowing he same to have been fraudulently altered or antedated; or whoever,

without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of Naturalization with the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

SEC. 78. Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

SEC. 79. Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

SEC. 80. Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than one thousand dollars and imprisoned not more than five years.

SEC. 81. The provisions of the five sections last preceding shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not. (35 Stat. L., pt. 1, p. 1102.)

[By the terms of section 341 of the act referred to above the foregoing sections specifically repealed sections 5395, 5424, 5425, 5426, 5428, and 5429 of the Revised Statutes of the United States, as well as sections 16, 17, and 19 of the act of June 29, 1906, 34 Stat. L., pt. 1, p. 596.]

LAWS REPEALED BY THE ACT OF MAY 9, 1918

[40 Stat. L., pt. 1, p. 547]

SEC. 2. That the following provisions of law be, and they are hereby, repealed: Section twenty-one hundred and sixty-six and twenty-one hundred and seventy-four of the Revised Statutes of the United States of America and so much of an act approved July twenty-sixth, eighteen hundred and ninety-four, entitled "An act

naking provisions for the naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," being chapter one hundred and sixty-five of the laws of eighteen hundred and ninety-four (Twenty-eighth Statutes at Large, page one hundred and twenty-four), reading as follows: "Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States Navy or Marine Corps and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps"; and so much of an act approved June thirtieth, nineteen hundred and fourteen, entitled "An act making appropriations for the Naval service for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes," being chapter one hundred and thirty of the laws of nineteen hundred and fourteen (Thirty-eighth Statutes at Large, part one, page three hundred and ninety-two), reading as follows: "Any alien of the age of twenty-one years and upward who may under existing law become a citizen of the United States, who has served or may hereafter serve for one enlistment of not less than four years in the United States Navy or Marine Corps, and who has received therefrom an honorable discharge or an ordinary discharge, with recommendation for reenlistment, or who has completed four years in the Revenue Cutter Service and received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, or who has completed four years of honorable service in the naval auxiliary service shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof from naval or revenue-cutter sources of such service: *Provided*, That an honorable discharge from the Navy, Marine Corps, Revenue Cutter Service, or the Naval Auxiliary Service, or an ordinary discharge with recommendation for reenlistment, shall be accepted as proof of good moral character: *Provided further*, That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the proof prescribed by the foregoing provisions"; and so much of section three of an act approved June twenty-fifth, nineteen hundred and ten (Thirty-fourth Statutes at Large, part one, page six hundred and thirty), reading as follows: "That paragraph two or section four of an act entitled 'An act to establish a Bureau of Immigration and Naturalization, and to provide a uniform rule for the naturalization of aliens throughout the United States,' approved June twenty-ninth, nineteen hundred and six, be amended by adding, after the proviso in paragraph two of section four of said act, the following: *Provided further*, That any person belonging to the class of persons

authorized and qualified under existing law to become a citizen of the United States, who has resided continually in the United States during a period of five years next preceding May first, nineteen hundred and ten, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens, has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens."

That all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge section twenty-one hundred and sixty-nine of the Revised Statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined: *Provided*, That for the purposes of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to this act the statutes and laws hereby repealed shall remain in full force and effect: *Provided further*, That as to all aliens who, prior to January first, nineteen hundred, served in the Armies of the United States and were honorably discharged therefrom, section twenty-one hundred and sixty-six of the Revised Statutes of the United States shall be and remain in full force and effect, anything in this act to the contrary notwithstanding.

CITIZENSHIP

[In regard to the acquisition of citizenship by means other than naturalization, see also secs. 1993 and 1996 of the United States Revised Statutes.]

CITIZENSHIP BY BIRTH

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. * * * (Constitution, Art. XIV.)

CITIZENSHIP OF CHILDREN BORN ABROAD OF CITIZENS

[Act of February 10, 1855, amending act of April 14, 1802.]

SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States. (R. S. 1878, p. 350; 1 Comp. Stat. 1901, p. 1268.)

CITIZENSHIP OF WOMEN BY MARRIAGE

[Act of February 10, 1855]

SEC. 1994. R. S. 1878, p. 350; 1 Comp. Stat. 1901, p. 1268. This section repealed by the act of September 22, 1922 (42 Stat. L., pt. 1, sec. 6, p. 1022).

CHILDREN OF PERSONS NATURALIZED UNDER CERTAIN LAWS TO BE CITIZENS

[Act of April 14, 1802]

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed. (R. S. 1878, p. 380; 1 Comp. Stat. 1901, p. 1384.)

EXPATRIATION OF CITIZENS AND THEIR PROTECTION ABROAD

[Act of March 2, 1907]

SECTION 1. [Repealed by 41 Stat. L., pt. 1, sec. 5, p. 751.]

SEC. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign State in conformity with its laws, or when he has taken an oath of allegiance to any foreign State.

When any naturalized citizen shall have resided for two years in the foreign State from which he came, or for five years in any other foreign State, it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also*, That no American citizen shall be allowed to expatriate himself when this country is at war.

SEC. 3. [Repealed by 42 Stat. L., pt. 1, sec. 7, p. 1022. (See p. 24.)]

SEC. 4. [Repealed by 42 Stat. L., pt. 1, sec. 6, p. 1022. (See p. 24.)]

SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: *Provided*, That such naturalization or resumption takes place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

SEC. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

SEC. 7. That duplicates of any evidence, registration, or other acts required by this act shall be filed with the Department of State for record. (34 Stat. L., pt. 1, p. 1228.)

PORTO RICAN CITIZENSHIP

[Act of April 12, 1900]

SEC. 7. That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine; * * *. (31 Stat L., 79.)

PORTO RICO: CITIZENSHIP, NATURALIZATION, AND RESIDENCE

[Act of March 2, 1917]

* * * * * * *

SEC. 5. That all citizens of Porto Rico, as defined by section seven of the act of April twelfth, nineteen hundred, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, ..., being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the from herein provided within six months of the taking effect of this act to the executive

secretary of Porto Rico: *And provided further*, That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this act, or if a minor, upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

* * * * * * *

SEC. 41. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." * * * The district court for said district shall be called "the District Court of the United States for Porto Rico," * * * said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. * * * (39 Stat. L., 965.)

GRANTING CITIZENSHIP TO CERTAIN INDIANS

[Received by the President, Oct. 25, 1919; has become a law without his approval]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every American Indian who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, if not now a citizen and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individual or tribal, of any such Indian or his interest in tribal or other Indian property. (41 Stat. L., pt. 1, p. 350.)